

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Raquel Velasquez	Team: Squad #11	CCRB Case #: 201405983	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 06/14/2014 11:20 PM	Location of Incident: § 87(2)(b) 46th Precinct stationhouse	Precinct: 46	18 Mo. SOL 12/14/2015	EO SOL 12/14/2015	
Date/Time CV Reported Mon, 06/16/2014 7:12 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 06/16/2014 7:14 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Tatiana Cruz	00400	950253	046 PCT
2. Officers			Unknown

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Christophe Lagrasta	00000	906601	046 PCT
2. POM Ernesto Castillo	06710	948761	046 PCT
3. SGT Jorge Carvajal	03493	932427	046 PCT
4. POM Anthony Donato	07509	948904	046 PCT
5. POM Daniel Madden	07841	950796	046 PCT
6. POM Ryan Bracconeri	07459	948690	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Discourtesy: At § 87(2)(b) in the Bronx and the 46th Precinct station house, officers spoke discourteously to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
B.POF Tatiana Cruz	Discourtesy: At § 87(2)(b) in the Bronx, PO Tatiana Cruz spoke discourteously to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C.POF Tatiana Cruz	Force: At § 87(2)(b) in the Bronx, PO Tatiana Cruz struck § 87(2)(b) with an asp.	§ 87(2)(b)
D.POF Tatiana Cruz	Force: At § 87(2)(b) in the Bronx, PO Tatiana Cruz used physical force against § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
E.POF Tatiana Cruz	Off. Language: At § 87(2)(b) in the Bronx, PO Tatiana Cruz made remarks to § 87(2)(b) and § 87(2)(b) based upon the sex.	§ 87(2)(b)

Case Summary

On June 14, 2014, at approximately 11:20 p.m., several officers, including PO Tatiana Cruz and PO Daniel Madden, from the 46th Precinct, responded to a call regarding an assault in progress at § 87(2)(b) in the Bronx. The assault in progress resulted from a family dispute involving § 87(2)(b) and § 87(2)(b). An unidentified officer allegedly spoke discourteously to § 87(2)(b) and § 87(2)(b) (**Allegation A**). PO Cruz also allegedly spoke discourteously to § 87(2)(b) and § 87(2)(b) (**Allegation B**) and used offensive language towards § 87(2)(b) and § 87(2)(b) (**Allegation E**). PO Cruz struck § 87(2)(b) with an asp and they engaged in an altercation in which PO Cruz punched § 87(2)(b) and pulled her hair (**Allegations C and D**). Thereafter, PO Cruz approached § 87(2)(b) and allegedly kneeed her in the stomach (**Allegation D cont'd**). § 87(2)(b) was subsequently arrested for § 87(2)(b). § 87(2)(b) and § 87(2)(b) were also arrested for § 87(2)(b). At the 46th Precinct stationhouse, an unidentified officer allegedly spoke discourteously to § 87(2)(b) (**Allegation A cont'd**).

Mediation, Civil and Criminal Histories

This case was not suitable for mediation. § 87(2)(b) and § 87(2)(b) did not file a Notice of Claim (**Board Review 1**). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the second CCRB complaint involving § 87(2)(b) and § 87(2)(b).
- PO Cruz has been a member of the NYPD for 3 years and there is 1 substantiated CCRB allegation against her. In case number 201206579 an allegation of abuse of authority (vehicle search) was substantiated. The CCRB had no recommendations; the NYPD issued instructions.

Finding and Recommendations

Allegations Not Pleaded

Discourtesy and threat of arrest: § 87(2)(b) alleged that an officer threatened to arrest § 87(2)(b). § 87(2)(b) alleged that an officer used profanity towards him. § 87(2)(b) who provided a phone statement to the CCRB, did not make any allegations on his behalf. § 87(2)(g)

Explanation of Subject Officer Identification

PO Cruz acknowledged interacting with § 87(2)(b) and § 87(2)(b) and is the subject of **Allegations B through E**.

Allegation A is being pleaded against officers because the investigation could not identify the subject officer.

§ 87(2)(b) alleged that an officer described as a 40-year old uniformed white male, about 6' tall, with a chubby build, and a plainclothes officer, described as a white male, about 5'9" tall, used profanity towards her. § 87(2)(b) also alleged that a uniformed officer, described as a white or Hispanic male, in his 40's, 5'9" tall, with a medium build and short dirty blonde hair, used profanity towards her. PO Cruz did not recall if there were additional officers when she responded to the scene and she did not recall any officer using profanity. PO Bracconeri, PO Madden, PO Castillo, Sgt. Carvajal and Lt. Lagrasta all denied using profanity during the incident. Event #§ 87(2)(b) shows that there were multiple calls reporting an assault at the incident location. The event ends with four arrests at the incident location. Based on the Unit Information, the only unit that went over the radio was a sergeant from the 46th Precinct. Event #§ 87(2)(b) (**Board Review 4**), which records the call for additional units, notes that officers from the 48th Precinct also responded to the scene. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Recommendations

Allegation A- At § 87(2)(b) in the Bronx and the 46th Precinct station house, officers spoke discourteously to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) alleged that one of the first officers that arrived allegedly repeated “shut the fuck up” and “calm the fuck down.” § 87(2)(b) did not allege these discourtesies in her phone statement but alleged that, while asking an officer to call an ambulance for § 87(2)(b) the officer replied, “Where the fuck is she? That’s all you had to fucking say.” § 87(2)(b) added that a plainclothes officer who handcuffed her stated, “What the fuck is going on here?” In her phone statement and interview, § 87(2)(b) alleged that, while walking into the stationhouse, the plainclothes officer told her to “shut the fuck up.” (see § 87(2)(b) statement).

§ 87(2)(b) alleged that an officer stated regarding the dispute, “This is bullshit. This is nonsense. What do you guys want to do? Why don’t you all go home?” § 87(2)(b) also did not allege this discourtesy in her phone statement, but did say that the officer said, “This is nonsense. This is stupidity.” § 87(2)(b) did not allege that any officer used profanity towards anyone at the stationhouse (See § 87(2)(b) s statement).

§ 87(2)(b) corroborated that the first officers that arrived told them to go home and that the situation was silly. § 87(2)(b) did not allege that these officers used profanity and stated that the first officer to use profanity was PO Cruz. § 87(2)(b) also did not allege that an officer used profanity towards anyone at the stationhouse (see § 87(2)(b) s statement).

§ 87(2)(b) did not allege that she heard any officers using profanity before she was put in the ambulance (see § 87(2)(b) s statement).

PO Madden, PO Bracconeri, PO Castillo, Sgt. Carvajal and Lt. Lagrasta denied using or hearing any officer using profanity towards any civilian, and PO Cruz did not recall hearing any officer use profanity towards any civilian. (see **PO Cruz's, PO Madden's, PO Bracconeri's, PO Castillo's, Sgt. Carvajal's and Lt. Lagrasta's statements**).

§ 87(2)(g)

Allegation B- At § 87(2)(b) in the Bronx, PO Tatiana Cruz spoke discourteously to § 87(2)(b) and § 87(2)(b)
Allegation C- At § 87(2)(b) in the Bronx, PO Tatiana Cruz struck § 87(2)(b) with an asp.
Allegation D- At § 87(2)(b) in the Bronx, PO Tatiana Cruz used physical force against § 87(2)(b) and § 87(2)(b)
Allegation E- At § 87(2)(b) in the Bronx, PO Tatiana Cruz made remarks to § 87(2)(b) and § 87(2)(b) based upon the sex.
It's undisputed that PO Cruz hit § 87(2)(b) with her asp, and got into a physical fight that including punching and pulling hair.

§ 87(2)(b) stated that when officers were investigating the dispute, she allegedly heard PO Cruz telling § 87(2)(b) and § 87(2)(b) to "shut the fuck up", "fucking get back" and "get back in the fucking car." § 87(2)(b) asked PO Cruz why she was acting like a "thug" and told her to back away. PO Cruz said something along the lines of, "What the fuck did you say to me?" and simultaneously struck § 87(2)(b) twice in the left buttocks with an asp. § 87(2)(b) backed up into the street and put her hands up in front of her face with closed fists to protect herself. During the physical fight, PO Cruz allegedly yelled, "Get off my hair, bitch." § 87(2)(b) did not know how long she and PO Cruz fought, but she stated that she got the better of PO Cruz during the fight. § 87(2)(b) stated that initially the male officers stood and watched, when two officers, she did not know which, grabbed her and placed her arms behind her back and held her bent over against a car. PO Cruz approached § 87(2)(b) punched her three times on the left side of her face, and stated, "What now, bitch?" § 87(2)(b) was handcuffed and placed in a marked car. During the struggle, § 87(2)(b) heard § 87(2)(b) say, "What are you doing to my mother?" PO Cruz replied, "Fuck you. You're getting arrested, too." In her phone statement, § 87(2)(b) alleged that PO Cruz said this to § 87(2)(b) § 87(2)(b) and § 87(2)(b) were also arrested. § 87(2)(b) sustained bruises on her face, left buttocks, wrists, arms, legs and the back of her right ear, and scratches on the back of her neck and right shoulder (**Board Review 6; see § 87(2)(b)'s statement**). § 87(2)(b)'s arrest photograph depicts bruising on her left cheek (**Board Review 5**). § 87(2)(b) was treated at § 87(2)(b) § 87(2)(b) stated that she was "beaten by three officers on Saturday" and was "punched in the left side of the face, struck on the left pelvis area, and hit with a metal baton." § 87(2)(b) complained of pain on her left hip, left side of the face, head, right ear and ribs, left back pain. She was diagnosed with facial, pelvic and hip contusions, and discoloration of the skin on her left hip (see **medical records**).

§ 87(2)(b) and § 87(2)(b) stated that PO Cruz was obtaining information from § 87(2)(b) when § 87(2)(b) interjected and asked PO Cruz to let § 87(2)(b) go upstairs and check on her daughter. According to § 87(2)(b) PO Cruz told her, “You need to mind your fucking business.” According to § 87(2)(b) PO Cruz told § 87(2)(b) to “shut the fuck up” and “Who the fuck you talking to? Get back in the truck.” § 87(2)(b) then told PO Cruz to back up. According to § 87(2)(b) PO Cruz told § 87(2)(b) “You need to back the fuck up and go over there.” § 87(2)(b) and § 87(2)(b) who exited the ambulance when she heard a loud commotion, stated that they saw a few male officers hold § 87(2)(b) § 87(2)(b) and § 87(2)(b) could see PO Cruz punch § 87(2)(b) but § 87(2)(b) could not see what PO Cruz did, but the male officers allegedly told § 87(2)(b) “Shut the fuck up, put your fucking hands behind your back.” § 87(2)(b) stated that she ran towards the struggle and stated, “Stop. Stop them. Get off my mother.” § 87(2)(b) did not allege that PO Cruz said anything in response. § 87(2)(b) was then handcuffed. § 87(2)(b) and § 87(2)(b) § 87(2)(b) stated that PO Cruz said something to the effect that they would be arrested and used the word “bitches” in the sentence—§ 87(2)(b) stated that PO Cruz also allegedly said, “Fuck you” first. When § 87(2)(b) asked why she was being arrested, PO Cruz allegedly replied, “Shut the fuck up,” and kned § 87(2)(b) in her right rib area, causing § 87(2)(b) to urinate. § 87(2)(b) and § 87(2)(b) did not interfere between PO Cruz and § 87(2)(b) (see § 87(2)(b)s, and § 87(2)(b)s statements). § 87(2)(b) sustained bruises on her arms, wrists, legs and chest (**Board Review 7; see § 87(2)(b)s statement**). § 87(2)(b) was treated at § 87(2)(b). § 87(2)(b) complained of a laceration on her left eyebrow from being struck with a bottle. She did not report any other injuries. § 87(2)(b) was diagnosed with a laceration above her left eyebrow and received stitches. Her medical records note that she was intoxicated (**see medical records**).

PO Cruz stated that she saw § 87(2)(b) bleeding and attempted to get information for the domestic violence incident report. PO Cruz briefly spoke with § 87(2)(b) and then attempted to speak with § 87(2)(b) § 87(2)(b) interfered by yelling and cursing at PO Cruz repeatedly to stop speaking to the women at the scene. PO Cruz told § 87(2)(b) several times to leave the location, but § 87(2)(b) did not comply. PO Cruz then decided to arrest § 87(2)(b) for interfering, at which point § 87(2)(b) tried to get in her car. § 87(2)(b) who appeared intoxicated, walked behind PO Cruz and told her, “Get the fuck away from her. You aren’t arresting her if she didn’t do anything.” PO Cruz turned around and told § 87(2)(b) “You have to back up. You can stand over there or leave.” § 87(2)(b) replied, “No, fuck that,” lifted up her dress, put her fists up in a fighting stance, and said, “Raise up, bitch.” PO Cruz felt threatened because she thought § 87(2)(b) was going to hit her, so she removed her asp, hit § 87(2)(b) twice in her leg, and told her to get back. § 87(2)(b) then punched PO Cruz in the face, which caused her to drop her asp. PO Cruz defended herself by punching § 87(2)(b) in return, and they engaged in a physical fight which involved punching and pulling each other’s hair. Sometime during the altercation an officer bear hugged § 87(2)(b) and additional officers handcuffed her. § 87(2)(b) and § 87(2)(b) attempted to reach towards the officers. PO Cruz placed them under arrest. PO Cruz denied punching § 87(2)(b) while an officer held her, slamming § 87(2)(b) against a police vehicle or kneeling § 87(2)(b) PO Cruz did not knee § 87(2)(b) in the ribs or stomach. PO Cruz did not and did not recall seeing any officer push any civilian against a vehicle. PO Cruz did not recall using profanity or offensive language towards any civilian and did not recall making any of the alleged statements. PO Cruz did not recall hearing any officer making the alleged statements. PO Cruz sustained a bruise and swelling on her nose (**see PO Cruz’s statement**).

According to PO Bracconeri, an individual was involved in a physical struggle with PO Cruz by pushing her while PO Cruz attempted to handcuff the individual by reaching towards the arms. PO Bracconeri did not recall seeing PO Cruz doing anything else other than attempting to get the individual's hands. PO Bracconeri did not recall seeing PO Cruz strike anyone with an asp or pull anyone's hair. PO Bracconeri did not see PO Cruz punch anyone in the face or knee anyone. PO Bracconeri did not and did not see any officer slam any civilian against a vehicle or make any of the alleged discourteous or offensive statements. PO Bracconeri did not hear any civilian ask him or any officer for their shield numbers **(see PO Bracconeri's statement)**.

PO Madden acknowledged responding to the incident location but stated that he was redirected to handle another job inside the apartment building. PO Madden did not recall seeing an altercation between PO Cruz and a civilian. Lt. Lagrasta, Sgt. Carvajal, and PO Castillo stated that individuals were handcuffed when they arrived; they denied seeing an altercation between PO Cruz and a civilian. Lt. Lagrasta, Sgt. Carvajal, and PO Castillo stated that PO Cruz told them a civilian had hit her. PO Madden, Lt. Lagrasta, Sgt. Carvajal and PO Castillo denied making any of the alleged discourteous or offensive statements **(see PO Madden's, Lt. Lagrasta's, Sgt. Carvajal's and PO Castillo's statements)**.

§ 87(2)(g)

Pod: **11**

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date